

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

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C&S WHOLESALE GROCERS, INC.,

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Plaintiff,

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v.

: Civ. No: 1-11-cv-00127-LM

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GROCERY HAULERS, INC.,

:

Defendant.

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**JOINT STIPULATION AND ORDER
TO MODIFY DISCOVERY PLAN AND TRIAL DATE**

WHEREAS, plaintiff C&S Wholesale Grocers, Inc. (“C&S”) and defendant Grocery Haulers, Inc. (“GHI”) (collectively, the “Parties”) have been actively engaged in conducting discovery in the above captioned matter;

WHEREAS, on October 18, 2012, GHI engaged Blank Rome LLP as replacement lead counsel in this case;

WHEREAS, the Parties have also been actively engaged in litigating two other parallel proceedings, both pending before Judge Rakoff in the Southern District of New York captioned, *Grocery Haulers, Inc. v. C&S Wholesale Grocers, Inc.*, No: 11-CV-3130, and *Grocery Haulers, Inc. v. C&S Wholesale Grocers, Inc.*, No: 12-CV-2651; and

WHEREAS, although the Parties have worked diligently to comply with the discovery plan as approved by the Court, and in light of the replacement of GHI’s counsel, the Parties agree that additional time will be necessary in the instant action to complete depositions and prepare summary judgment motions.

NOW, THEREFORE, the Parties hereby stipulate and agree, and propose to the Court for entry as an Order, that the discovery plan proposed by the Parties and entered by the Court on September 4, 2012 be modified as follows:

1. Date fact discovery will be completed: January 11, 2013;
2. Date for filing of Motions for Summary Judgment: January 18, 2013; and
3. Date for trial: May 21, 2013.

Dated: November 6, 2012

C&S WHOLESALE GROCERS, INC.

By its attorneys,

By: /s/ Gordon J. MacDonald

Gordon J. MacDonald
(N.H. Bar No. 11011)
NIXON PEABODY LLP
900 Elm Street
Manchester, NH 03101
Telephone: 603-628-4000
Fax: 603-628-4040
gmacdonald@nixonpeabody.com

Benjamin L. Hincks, Esq. (*Admitted pro hac vice*)

Michael J. Ticcioli, Esq. (*Admitted pro hac vice*)

MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY and POPEO, P.C.
One Financial Center
Boston, MA 02111
Telephone: 617-542-6000
Fax: 617-542-2241
bhincks@mintz.com
mjticcioli@mintz.com

GROCERY HAULERS, INC.

By its attorneys,

By: /s/Arnold Rosenblatt

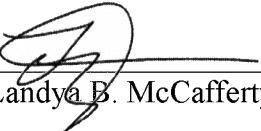
Arnold Rosenblatt (N.H. Bar No. 2879)
Kathleen M. Mahan (N.H. Bar No. 17124)
COOK, LITTLE, ROSENBLATT &
MANSON, PLLC
1000 Elm Street
Manchester, NH 03101
Telephone: 603-621-7100
a.rosenblatt@clrm.com

James V. Masella, III (*pro hac vice admission pending*)

Philippe M. Salomon (*pro hac vice admission pending*)

BLANK ROME LLP
The Chrysler Building
405 Lexington Avenue
New York, New York 10174
Telephone: 212-885-5000
Fax: 917-332-3723
jmasella@blankrome.com
psalomon@blankrome.com

SO ORDERED:



Hon. Landya B. McCafferty

Date: November 7, 2012